

REMARKS

This Amendment is responsive to the final action mailed October 25, 2006. Claims 1, 4-13 and 33-34 are allowed, claims 16 and 22 are objected to, claims 14 and 18-21 are rejected.

The withdrawn claims are hereby canceled, as is claim 18.

Applicant has corrected a typographical error in claim 33.

Claims 9 and 11 have been amended to clarify the issue raised by the Examiner. Accordingly, claims 9 and 11 are in proper form.

Claims 16 and 22 have been rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Accordingly, claims 16 and 22 are in allowable form.

In response to the rejection of claim 14 as anticipated by Scobie, claim 14 has been amended to positively recite, in part, that the valve body includes an interior defining a flow passage, and that the abutting fixed geometry structures carried by the valve body include first and second stationary guide structures carried by the valve body and spaced apart along the axis. The stationary guide structures extend inwardly into the interior flow passage of the valve body.

By comparison, on Scobie the stub shaft rotates, and thus the stub shaft is not fixed. Further, the bearings 48 or 49 referenced in the action plainly do not extend into the flow passage of the interior. Accordingly, claim 14 is allowable over Scobie. Moreover, there would be no way to alter Scobie to reach the claimed invention without discarding the expressly taught aspects of the reference in which the device is specifically designed to include a rotating stub shaft disposed in fixed bearings. Further, there would be no suggestion to extend the bearings into the flow passage, as that would expose and ultimately destroy the bearings. Further, such an extended portion of the bearings would not be supported by the surrounding bore, and hence would serve no bearing function. Thus there would be no suggestion to make the needed modification. Accordingly, there can be no *prima facie* case of obviousness based even in part on Scobie. Therefore, claim 14 is in allowable form.

Claim 19 has been amended to recite, in part, that the valve body includes a valve body having an interior sized to permit fluid flow. The invention of claim 19 further recites abutting fixed geometry structures carried by said valve body and said disc including first and

second non-rotating guide structures spaced apart along said axis and extending inwardly into the interior of the valve body.

As outlined above, on Scobie the stub shaft rotates, and thus the stub shaft is not fixed. Further, the bearings 48 or 49 referenced in the action plainly do not extend into the flow passage of the interior. Bylsma does not teach or even suggest the missing limitation, as the rotating shaft extends all the way through the interior, thus there is no non-rotating structure that extends into the flow passage. Accordingly, claim 19 is allowable, as the combination fails to teach or even suggest a claim limitation.

Moreover, as outlined above, there would be no way to alter Scobie to reach the claimed invention without discarding the expressly taught aspects of the reference in which the device is structured with a rotating stub shaft disposed in fixed bearings. Accordingly, there can be no *prima facie* case of obviousness bases even in part on Scobie. Bylsma adds nothing of relevance as outlined above. Therefore, claim 19 is in allowable form.

The foregoing amendments to claims 14 and 18 were not presented earlier for good and sufficient reason. After reading the final action, the reasons underlying the rejections have only now become apparent to the applicant. Hence there is good and sufficient reason for not presenting the amendment earlier, and the amendment should be entered.

For the reasons stated above, Applicant submits that all claims are now in proper form and clearly define patentable subject matter with respect to the prior art. If there are any additional fees or refunds required, the Commissioner is directed to charge or debit Deposit Account No. 13-2855 of Marshall, Gerstein & Borun LLP.

Respectfully submitted for,

MARSHALL, GERSTEIN & BORUN LLP

By:

David C. Read
Reg. No. 39,811
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300

January 30, 2007